

Applicant(s): PARTHASARATHY et al.

Serial No.: 09/841,264

Confirmation No.: 5359

Filed: 24 April 2001

For: BIOLOGICAL SAMPLE PROCESSING METHODS AND COMPOSITIONS THAT INCLUDE SURFACTANTS

Remarks

Required Election in Response to Restriction Requirement

Applicants elect, with traverse, Group I (claims 1-24), drawn to a composition containing an enzyme, surfactant and dye, wherein the dye inactivated the enzyme and the surfactant inhibits the inactivation, and methods of stabilizing an enzyme in a fluid sample by combining the surfactant with the enzyme and dye. Applicants reserve the right to pursue examination of the non-elected claims in continuation or divisional applications.

Applicants respectfully request reconsideration and withdrawal or modification of the restriction requirement. It is respectfully submitted that the inventions as claimed can be readily evaluated in one search without placing undue burden on the Examiner. That is, all the claims are so interrelated that a search of one group of claims will reveal art to the others.

Were restriction to be effected between the claims of Groups I-V, a separate examination of the claims in these five groups would require substantial duplication of work on the part of the U.S. Patent and Trademark Office. Even though some additional consideration would be necessary, the scope of analysis of novelty of all the claims of Groups I-V would have to be as rigorous as when only the claims of Group I, for example, were being considered by themselves. Clearly, this duplication of effort would not be warranted where these claims of different categories are so interrelated. Further, Applicants submit that for restriction to be effected between the claims in Groups I-V, it would place an undue burden by requiring payment of four separate filing fees for examination of the non-elected claims, as well as the added costs associated with prosecuting five applications and maintaining five patents.

Withdrawal of Finality and Entry of Amendments

Applicants thank the Examiner for withdrawing finality, entering the Preliminary Amendment submitted by Applicants on 28 February 2002, entering the Amendment and

Response to Restriction Requirement and Submission of Replacement Drawings

Page 4 of 4

Applicant(s): PARTHASARATHY et al.

Serial No.: 09/841,264

Confirmation No.: 5359

Filed: 24 April 2001

For: BIOLOGICAL SAMPLE PROCESSING METHODS AND COMPOSITIONS THAT INCLUDE SURFACTANTS

Response under 37 C.F.R. §1.116 submitted by Applicants on 30 June 2003, and reopening prosecution.

Information Disclosure Statement

Applicants thank the Examiner for noting receipt of the copy of the Information Disclosure Statement submitted by Applicants on 28 February 2002. Consideration of each of the documents listed on the seven 1449 form(s) is respectfully requested. Pursuant to the provisions of M.P.E.P. §609, Applicants further request that a copy of the 1449 form(s), marked as being considered and initialed by the Examiner, be returned with the next Official Communication.

The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number if prosecution of this application may be assisted thereby.

CERTIFICATE UNDER 37 C.F.R. 1.10:

"Express Mail" mailing label number:
EV073686103US

Date of Deposit: 26 August 2003

The undersigned hereby certifies that the Transmittal Letter and the paper(s) and/or fee(s), as described hereinabove, are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature: [Signature]
Name: [Signature]

Respectfully submitted for

PARTHASARATHY et al.

By

Muetting, Raasch & Gebhardt, P.A.

P.O. Box 581415

Minneapolis, MN 55458-1415

Phone: (612)305-1220

Facsimile: (612)305-1228

August 26, 2003
Date

LDA/rgg

By: [Signature]

Loren D. Albin

Reg. No. 37,763

Direct Dial (612)305-1225